MGJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(1) Civil Application No.5147 of 2005
with
(2) Civil Application No.1485 of 2007
in
First Appeal No. 3130 of 2006

1. The State of Maharashtra
and others ..Appellants

vs.

1. Sopan Ranu Nimhan (deceased)
by his L.Rs
a. Smt.Shantabai Sopan Nimhan
and others ..Respondents

Shri K.K.Tated, A.G.P. for applicants
Ms.Manjiri Parasnis i/b Shri G.S.Godbole for
respondent nos. 1b to 1 g and 2a to 2c and 4

CORAM: S.B.MHASE &
Smt.NISHITA MHATRE JJ.
6th March 2007

P.C.

1. Heard both sides.

2. In Civil Application No.5147 of 2005 conditional stay was granted in terms of prayers (b) and (c) subject to the condition that the State shall deposit the entire decreetal amount within a period of 12 weeks from today. Now, Shri Tated, A.G.P. makes a statement that the amount has been deposited. The another Civil Application No.1485 of 2007 is for the purpose of withdrawal of the said

amount. Learned counsel holding for Shri Godbole produces on record the order passed by this Court in Civil Appalication No.5367 of 2006 in F.A.No.809 of 2006 and other companion matters on 19th December, 2006. We, therefore, direct that in view of order dated 19th December, 2006, the applicants/claimants are hereby allowed to withdraw 50% of the amount deposited without security. If the claimant is ready to furnish the bank guarantee in respect of the remaining amount the Trial Court shall permit the claimant to withdraw the said amount on furnishing security.

3. Both the civil applications are disposed of accordingly.

(Smt.NISHITA MHATRE J.) **(S.B.MHASE J.)**